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**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 4020**Complete if Known**

Application Number 09/544,776

Filing Date April 7, 2000

First Named Inventor Dong Wei

Examiner Name Jane Zara

Art Unit 1635

Attorney Docket No. 59516-219 / PP-01561.003

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OFFICE OF PETITIONS**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ None☒ Deposit Account:Deposit
Account
Number

04-0258

Deposit
Account
Name

Davis Wright Tremaine LLP

The Commissioner is authorized to: (check all that apply)☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any deficiencies
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee(\$)	Fee Code	Fee(\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES

			Extra Claims	Fee from below	Fee Paid
Total Claims		- 20** =		x	
Independent Claims		- 3** =		x	
Multiple Dependent					

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	1970
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	1300
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	750
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 4020

SUBMITTED BY

Name (Print/Type) Jane E. R. Potter

Registration No.
Attorney/Agent) 33,332

Signature

Date July 29, 2003



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PATENT TRADEMARK OFFICE

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SEA 1386512v1 59516-219

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Dong Wei et al.
Application No. : 09/544,776
Filed : April 7, 2000
For : NOVEL PROTEIN ASSOCIATED WITH CELL STRESS
RESPONSE

Examiner : Jane Zara
Art Unit : 1635
Docket No. : 59516-219 / PP-01561.003
Date : July 29, 2003

Attention: Office of Petitions
Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Arlington, VA 22313-1450

STATEMENT

On March 21, 2002, applicants filed a Notice of Appeal, received in the PTO on March 29, 2002, thereby setting the first deadline for an Appeal Brief as May 29, 2002. The final due date for an Appeal Brief, with extensions of time, was October 29, 2002. On May 17, 2002 applicants filed a Second Response after final. An Advisory Action was issued on June 11, 2002. Despite the belief by applicants that the Response filed on May 17, 2002 resolved the remaining issues, the Advisory Action indicated that the amendment was not entered as constituting new matter. Applicants investigated the issue raised in the Advisory Action and conducted telephone conferences with the Examiner.

In an effort to gain allowance of the application by the final deadline of October 29, 2002, applicants worked with the Examiner to resolve issues of claim language, and on October 24, 2002, the Examiner apparently sent a facsimile Examiner's Amendment to applicants, but it was not received, and it was re-sent on October 31, 2002. At that time the case had become technically abandoned.

On November 5, 2002, applicants conducted a detailed telephone interview with

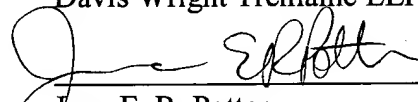
the Examiner, and discussed the PTO policy relating to percent hybridization language in nucleic acid claims, as well as a related Federal Regulation Notice governing these issues. In the intervening time, applicants have been considering the options for proceeding with this case so as to avoid the previous enablement issues under 35 U.S.C. § 112 as raised by the Examiner and as further discussed with her. Applicants have also investigated the Federal Regulation guidelines regarding the policy discussed by the Examiner.



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Respectfully submitted,
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